

NMIED 2005b



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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

May 10, 2005

Mr. G. Pete Nanos, Director
Los Alamos National Laboratory
P.O. Box 1663, Mail Stop A100
Los Alamos, New Mexico 87545

Mr. John Ordaz, Assistant Manager
DOE-LASO
528 35th Street, Mail Stop A316
Los Alamos, New Mexico 87544

Re: Proposed Closure Strategy for Technical Area 54, Area L Landfill, Los Alamos National Laboratory (LANL), EPA ID# NM0890010515

Dear Messrs. Nanos and Ordaz:

On April 1, 2005, the New Mexico Environment Department (NMED) received your undated letter to John Kieling, Permits Management Program Manager for NMED's Hazardous Waste Bureau, in which the Department of Energy's and the University of California's (collectively, the Permittees) propose to close Los Alamos National Laboratory's (the Facility's) Area L Landfill at Technical Area (TA) 54 under the alternative closure requirements provided in the New Mexico Administrative Code (NMAC) 20.4.1.500 (incorporating 40 CFR §265.110(d)). NMED believes that it is premature to consider any closure strategy for the Area L Landfill, as the March 1, 2005, Compliance Order on Consent (Order) and the Hazardous Waste Facility Permit (Permit) establish a framework for the closure of permitted and interim status operating units at the Facility. The Order specifically addresses how corrective action activities under the Order integrate with the Facility's existing and future Permit. Section III.W.1 of Consent Order states:

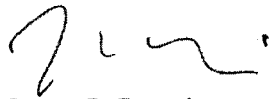
The Department has determined that all corrective action for releases of hazardous waste or hazardous constituents at the Facility, required by Sections 3004(u) and (v) of RCRA ...shall be conducted solely under this Consent Order and not under the current or any future Hazardous Waste Facility Permit (Permit), with the exception of the following four items which will be addressed in the Permit and not in this Consent Order: ... (2) the closure and post-closure care requirements of 20.4.1.500 NMAC (incorporating 40 CFR Part 264, Subpart G), as they apply to operating units at the Facility... " (emphasis added).

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As I discussed at the Northern New Mexico Citizens' Advisory Board Area G Forum on May 3, 2005, NMED intends to simultaneously issue two hazardous waste permits for the Facility: one for the active storage and treatment units and the second closure permit for the interim status units that are no longer active, such as the Area L Landfill. While this approach does not automatically preclude the eventual use of an alternative closure strategy for the Area L Landfill that is coordinated with corrective action activities under the Consent Order, there is not sufficient data at this time to conclusively demonstrate that an alternative closure strategy will protect human health and the environment and satisfy the closure performance standard in 40 CFR § 265.111.

I encourage your staff to work with Kate Lynnes, NMED's lead permit writer for both Facility permits, as NMED develops the closure plan language for the Area L Landfill and the Area L operating storage units that overlie Material Disposal Area L. Ms. Lynnes can be reached at 505-428-2556. Of course, I can always be reached at 505-428-2512 if you have questions regarding this letter or any other matter.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:kl

cc: C. Padilla, NMED WWMD
J. Kieling, NMED HWB
K. Lynnes, NMED HWB
D. Pepe, NMED DOE OB
S. Yanicak, NMED DOE OB
C. deSaillan, NMED OGC
D. Cobrain, NMED HWB
L. King, EPA 6PD-N
G. Turner, DOE LASO, MS A316
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G. Bacigalupa, LANL RRES-SWRC, MS K490
File: Reading and Permit